

Board Members

Fred Wiggins, Ph.D., *Chairman*
Ramona N. Mellott, Ph.D.
Vice-Chairman
Cheryl L. Karp, Ph.D., *Secretary*
Janice K. Brundage, Ph.D.
Joseph C. Donaldson
Megan Hunter-Williams
Gary D. Lovejoy, Ph.D.
Frederick S. Wechsler, Psy.D. ABPP
Public Member, *Vacant*



State of Arizona Board of Psychologist Examiners

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Staff

Dr. Cindy Olvey
Executive Director

Meghan B. Hinckley
Deputy Director

Vacant
Investigator

Heather Duracinski
Administrative Assistant

REGULAR SESSION MINUTES

Friday, June 5, 2009

1400 W. Washington, Suite 235
Phoenix, Arizona 85007

1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Chairman Wiggins at 8:46 a.m. on Friday, June 5, 2009. No Executive Sessions were held.

2. ROLL CALL

Board Members in Attendance

Fred Wiggins, Ph.D. – Chairman
Ramona N. Mellott, Ph.D. – Vice Chair man
Cheryl L. Karp, Ph.D. – Secretary
Megan Hunter-Williams
Gary D. Lovejoy, Ph.D.
Miki Paul, Ph.D.
Frederick S. Wechsler, Psy.D., ABPP
Joseph Donaldson (by phone 8:46 – 9:15 a.m.
11am – 12:00pm and 1:00 – 2:42 p.m.)

Staff Present

Dr. Cindy Olvey, Executive Director
Heather Duracinski, Administrative
Assistant

Assistant Attorney General

Jeanne Galvin, Esq.

3. REMARKS/ANNOUNCEMENTS – Chairman Wiggins

Chairman Wiggins introduced and welcomed Dr. Cindy Olvey as the Board's new Executive Director. Dr. Olvey has 15 years experience in Arizona State Government in administrative and executive level positions including working for the Arizona Board of Regents, Arizona Department of Economic Security, and the Governor's Office for Excellence in Government. She earned her Doctor of Psychology degree in 2004 and is currently licensed as a psychologist in Arizona.

Dr. Wiggins stated that documentation was available for licensees who wished to receive continuing education credit for attending Board meetings and explained the procedure for

documenting attendance. Dr. Wiggins also noted that Board meeting assessment surveys are available and encouraged members of the public to complete the survey and place them in the box outside the conference room.

4. APPROVAL OF MINUTES

Minutes from the Telephonic Board Meeting held May 8, 2009 were considered for approval. Typographical errors were noted. Dr. Karp made a motion to approve the minutes with corrections; seconded by Dr. Paul. The motion passed unanimously (8 - 0).

5. COUNSEL REPORT

Jeanne Galvin, Assistant Attorney General, reported that the Formal Hearing previously requested by the Board will likely be heard by the Office of Administrative Hearings in August or September. An expert witness is currently being sought.

6. DISCUSSION/DECISION REGARDING APPLICATIONS

Dr. Mellott made a motion, seconded by Dr. Karp, to approve the following candidates to sit for the Examination for Professional Practice in Psychology. Dr. Wechsler recused himself from the vote. Motion passed (7–0–1).

Sara K. Haug, Psy.D.
Lori K. Lichte-Brill, Psy.D.
Kimberly Morris, Ph.D.

Dr. Mellott made a motion, seconded by Dr. Wechsler to approve Lisa T. Barrientos, Psy.D. for licensure upon payment of the prorated original license fee. Motion passed unanimously (8 – 0).

Dr. Mellott made a motion, seconded by Dr. Karp, that Robert Stockman, Ph.D., having completed his postdoctoral experience, be approved for licensure upon payment of the prorated original license fee. Motion passed unanimously (8 – 0).

7. INVESTIGATIONS REPORT

Ms. Duracinski reported that the Board has received 27 investigations to date during Fiscal Year 2009. Fourteen cases are currently under investigation, with three cases being heard at the June 10, 2009 Complaint Screening Committee meeting. During Fiscal Year 2009, thirteen cases have been dismissed and two cases were moved to the full Board for further review.

8. LICENSING REPORT

Ms. Duracinski reported that the Board has received 16 new applications for licensure since the April 3, 2009 Board meeting. The Board has been notified that two applicants passed the EPPP between April 3, 2009 and May 20, 2009.

For the calendar year 2009, the Board has received 39 new applications, as compared to 42 applications received by this time last year. The Board has issued 18 new licenses in 2009 compared to 28 new licenses issued by this time last year.

As of May 20, 2009, the Board has 1648 active and inactive licensees.

9. CALL TO THE PUBLIC (9:00 a.m.)

Alan Ogus, Ph.D. addressed the Board regarding HB 2207 pertaining to Behavior Analysts. He raised concerns indicating he currently performs some tasks included in the scope of practice for behavior analysts. He asked if he will need to be licensed as a Behavior Analyst in addition to his license as a psychologist in order to perform those functions.

10. EXECUTIVE DIRECTOR'S REPORT

Budget

Dr. Olvey reported that budgets from the Senate, House of Representatives and Governor each include a \$300,000 backfill for the \$563,000 swept from the Arizona Board of Psychologists Examiners. Projections indicate funding will not be sufficient to continue operating with 2.75 FTE (4.0 FTE are appropriated) beyond October 2010. Various options are being considered. The Governor's Liaison to Executive Directors of Boards and Commissions has reported that the Governor's Office is recommending Boards move toward a more frequent renewal schedule that allows boards to renew annually or throughout the year in order to ensure a steady cash flow.

Legislation

Since the Senate recently approved a budget, bills are now being heard in the Senate. To date, HB 2206 and 2207 have passed the House Committee of the Whole and are awaiting a Third Read. If passed, the bills will move to the Senate; however, the Senate will hear only Senate bills at this time.

Sunset Program Review

The Arizona Board of Psychologist Examiners is scheduled for Sunset on July 1, 2010. Prior to Sunset, the agency will be reviewed and recommendations will be made for continuation, consolidation, or termination. On September 27, 2007, the Joint Legislative Audit Committee voted to move the Arizona Board of Psychologist Examiners to a Committee of Reference for Sunset review. The Committee of Reference will be co-chaired by Senator Nelson (District 12) and Representative Barto (District 7). Additional members of the Committee include Senators Aguirre (District 24), Aboud (District 28), Verschoor (District 22), Leff (District 11), and Representatives Court (District 18), Goodale (District 3), Bradley (District 28) and Ableser (District 17). A.R.S. §41-2954 addresses the Sunset process. Since a performance audit will not be conducted by the Auditor General, Board staff will likely be contacted by legislative staff with further instructions.

Renewals 2009-2011

As of May 20, 2009:

- 1405 Active Licenses were renewed with 106 active licenses not renewed

- 243 Inactive Licenses were renewed with 117 inactive licenses not renewed
- 10 Licensees opted to retire their licenses
- 4 Licensees continued Medical Inactive Status
- 1 Licensee opted for Medical Inactive Status

Total Active/Inactive Licenses: 1648

Lobbyist Contract

The contract with Goodman and Schwartz Public Affairs for lobbying services will expire on June 30, 2009, although services will continue until the current legislative session ends. The Board discussed options for procuring lobbying services for Fiscal Year 2010. Board staff will include information on the agenda for the July 2, 2009 telephonic Board meeting.

Behavior Analyst Ad Hoc Committee

The work of the Behavior Analyst Ad Hoc Committee continues. At its next meeting, the Committee will consider information regarding the national exam offered by the Behavior Analyst Certification Board. The Committee also plans to review the statutes for Behavior Analyst licensure.

11. CASE DISCUSSION/DECISION RFI 09-12

This timed item was schedule to begin at 9:30 a.m., however, the Board waited until 9:53 a.m. to provide additional time for the complainant and/or respondent to arrive. There were no requests to speak. Dr. Lovejoy summarized information regarding RFI 09-12. Board discussion included concerns regarding possible violation of A.R.S. §32-2061(A)(13)(o) since Dr. Pecaut had included statements in his notes regarding recommendations for the father and daughter in this case even though Dr. Pecaut had never evaluated either party. Rather, Dr. Pecaut is therapist for the mother. In addition, there may be a violation of the aspirational guidelines (General Principals) of the APA Ethical Principals of Psychologists and Code of Conduct (effective 6/1/03) adopted by the Board in 2006. Although Dr. Pecaut may or may not be a forensic psychologist, he was practicing in a forensic arena in this particular case and may have violated the Specialty Guidelines for Forensic Psychologists, Section VI (H) (revised 2/23/04), Division 41 of the American Psychological Association. Following discussion, Board members expressed that they would like Dr. Pecaut to appear for an Informal Interview at the August meeting. Dr. Paul requested that Board staff request and/or subpoena session notes from the first 24 therapy sessions with the mother. The issue of safety was discussed since Dr. Pecaut has raised this concern.

Dr. Lovejoy made a motion to invite Dr. Pecaut to an informal interview for possible violation of A.R.S. §32-2061(A)(13)(o) practicing beneath community standards of care in that he made recommendations regarding the father and the daughter to the court regarding custody without having evaluated either the father or daughter. Seconded by Dr. Paul. In light of the safety discussion, Dr. Lovejoy amended to motion to authorize Board staff to extend protection to the Board as well as the licensee. As a last resort, the licensee would be permitted to participate by telephone. Motion passed unanimously (7 – 0) as amended. (Note: Due to telephone equipment failure in the conference room, Mr. Donaldson was not available to vote.)

12. BOARD MEETING SAFETY

Sgt. Tim Duron, Administrative Sergeant with Capitol Police discussed police coverage provided at the Board meeting held April 3, 2009. Sgt. Duron offered information regarding personal safety as well as services available to the Board by Capitol Police, such as escorting Board members to their cars. Sgt. Duron indicated that Capitol Police are able to run checks on individuals of concern and obtain drivers license photos as well as other information. Officer Allen of Capitol Police raised the issue that it is difficult to provide police protection when officers are unable to obtain a physical description. Ms. Galvin indicated it is possible for Board staff to provide to Capitol Police the names of parties involved in complaints (both complainants and respondents) without identifying parties as complainants or respondents. Capitol Police may then obtain information in an effort to identify all parties for safety purposes.

Dr. Olvey discussed options for moving Board meetings to alternative sites that offer more secure facilities with security screenings that include metal detectors and x-ray equipment. Three locations were considered including:

- The Industrial Commission located at 800 West Washington, Phoenix. An auditorium is available for use by state agencies; however, it is not available the first two weeks of the month. Since Board meetings are held on the first Friday (and Saturday, if necessary) of even number months, use of this facility is not feasible.
- The Grand Canyon Room in the basement of the Executive Tower of the Capitol. Parking, including handicapped parking, is located in a lot directly west of the Tower.
- The basement conference room in the Attorney General's Capitol Center Building located at 15 South 15th Avenue, which is across the street from the Board office where meetings are currently held. Board members and the public would need to park at 1400 W. Washington and walk to the facility. Entry from the East entrance is required just west of 14th Avenue between Washington and Jefferson streets. A limited number of handicapped parking spaces are available.

In addition, the Capital Center Building has conference rooms available that would accommodate Complaint Screening Committee meetings.

After some discussion, the Board advised staff to schedule the August 7, 2009, meeting at the Attorney General's Capitol Center Building. In addition, the Complaint Screening Committee meeting scheduled for June 10, 2009, will be relocated to the Capitol Center Building. Board staff will amend the meeting notice for the Complaint Screening Committee and will notify complainants and respondents by phone as well as in writing.

13. REQUEST FROM LICENSEE FOR REINSTATEMENT OF INACTIVE LICENSE TO ACTIVE STATUS

Dr. Karp made a motion, seconded by Megan Hunter-Williams, to reinstate the inactive license of Irene Bradford, Ph.D. in that she has met all requirements and paid the required fee. Motion carried unanimously (8 – 0).

14. REQUEST FOR SPECIAL ACCOMMODATIONS TO TAKE THE EPPP EXAM

The Board considered a request for additional time to take the EPPP by Sandra Ekeinde, Ph.D. Based on documentation provided by the applicant and upon advice from Counsel, Dr. Paul made a motion, seconded by Mr. Donaldson, to approve a total of eight hours (double time) to take the exam. Dr. Mellott recused herself from the vote. Motion carried (7 – 0 – 1). Board staff will notify Dr. Ekeinde and PES.

15. DOCUMENTATION OF CITIZENSHIP

Dr. Olvey advised Board members that a question arose during the recent licensing renewal cycle whether the Board would accept an expired passport as evidence of citizenship. There is no standard across state or federal agencies with regard to accepting expired passports. For example, a number of Boards in Arizona accept expired passports at the previous direction of the Department of Homeland Security; the U.S. State Department accepts passports that are expired up to five years as proof of citizenship; some federal and state agencies accept expired passports, while others do not. Board staff requested guidance from the Board on this matter. In addition, a question was raised regarding whether the Board must ask for evidence of citizenship with each renewal application. At this time, the Attorney General has advised the Board that evidence must be provided with each renewal. The Board discussed that individuals must prove citizenship in order to initially obtain a passport. After some discussion, the Board advised Board staff that expired passports are acceptable as evidence of citizenship.

16. REPORT ON ASPPB 24TH ANNUAL MIDYEAR MEETING, APRIL 22 – 26, 2009

Dr. Olvey reported on issues discussed at the Midyear Meeting of the Association of State and Provincial Psychology Boards (ASPPB) including Telepractice; Psychological Testing by Non-Psychologist; licensing and practice issues for General Applied Psychologists including Industrial/Organizational Psychologists, Executive Coaches, and Organizational Consultants. Issues specific to Arizona that were raised by other states included licensing of Behavior Analysts, an inquiry about the Doctor of Behavioral Health degree program offered by Arizona State University, and a question about whether the Arizona Board will use the Practicum Guidelines published by ASPPB if HB2206 is implemented. Dr. Mellott advised that she has been invited and has agreed to serve on the ASPPB Credential Verification Program Task Force.

17. CONSISTENCY IN APPLICATION REVIEW COMMITTEE PRACTICES

Dr. Wechsler led a discussion in an effort to improve consistency in the application review process. Greater interrater reliability is needed. Discussion included the fact that APA does not

have more specific or precise definitions of core program requirements, which results in greater discretion in reviewing applications. If passed, HB2206 will allow the Board to accept APA approved doctoral programs as meeting program standards, which will promote consistency in applications from APA approved programs. The Board discussed the possibility of looking sequentially at areas contained within Article 2 (Licensure) of the Board's rules beginning with R4-26-202. Doctorate. Ms. Galvin recommended the Board consider working toward development of a Substantive Policy Statement, which would provide guidance to the public on how the Board intends to interpret rules, in this case, for Article 2. Licensure (A.A.C R4-26-201 through R4-26-211 or A.R.S.§32-2071). The Board will consider sections from Article 2 at each meeting and may develop an overall Substantive Policy Statement. Dr. Wechsler will lead the discussion.

18. BOARD BYLAWS

Dr. Olvey provided Board members with the most recent version of draft bylaws as well as materials that were provided to Board members in a previous meeting including parliamentary procedures and bylaws from four other organizations. Board discussion focused on the purpose and anticipated outcomes of bylaws including clarification of roles and responsibilities, establishing expectations, transparency, and creating a process of record regarding how the Board operates. Concerns expressed during discussion included potentially creating additional bureaucracy, creating another level of management, as well as going beyond the boundaries of statutes and rules. Suggested alternatives included changing rules if accountability needs to be expanded or restricted, creating a policy manual, or frequently asked questions. Dr. Lovejoy indicated that previous legal advice included not specifically adopting Robert's Rules of Order as well as not adopting a stance excluding Board members from holding office in a psychology-related professional association or organization. Board members requested that Board staff review the current draft bylaws and identify rules and/or statutes that address each component. Portions of the bylaws that are not currently included in statute or rules should also be identified. This review will be included on the agenda for the October Board meeting.

19. TIMELY RECEIPT OF BOARD MEETING MATERIALS

Dr. Paul led a discussion about the difficulty Board members experience when meeting materials are received just prior to being considered by the Board. Discussion included options such as recessing a meeting to allow Board members to review documentation or continuing an agenda item until the next meeting in order to allow Board members time to review documentation. Ms. Galvin indicated it would be problematic not to accept information even if it was received just prior to a meeting. Moreover, Ms. Galvin indicated it is not problematic, from a legal standpoint, to accept materials for consideration just prior to a meeting if the item is on the meeting agenda. Staff are requested to honor deadlines in letters that are sent to applications or complainants/respondents, for example, when sending additional information to members of the Application Review Committee or Complaint Screening Committee.

20. FUTURE AGENDA ITEMS

Dr. Wechsler led a discussion regarding individual Board member requests for agenda items that have not appeared on the Board's agenda. Recent omissions have been the result of staff oversight. At times, agendas may be already full and agenda items must be postponed to future meetings. In this case, Board staff will advise individual Board members that the agenda item requested will be scheduled for a subsequent meeting. The roles of the Chair and Executive Director in setting agendas were discussed. The Executive Director sets the agenda in consultation with the Chair. Agendas are sent in advance of Board meetings. Individual Board members may contact the Executive Director with questions, concerns, or comments regarding the agenda or specific agenda items.

21. NEW BUSINESS/AGENDA ITEMS FOR FUTURE MEETINGS

There being no new business, Board members suggested additional agenda items for future Board meetings including:

1. Discussion among Board members of the Doctor of Behavioral Health program beginning Fall of 2009 at Arizona State University.
2. (October or December meeting) Substantive Policy Statements including a compilation of all Substantive Policy Statements adopted by the Board.

22. ADJOURN

Dr. Lovejoy made a motion to adjourn the meeting at 2:42 p.m. Seconded by Dr. Paul. The motion passed unanimously (8 – 0).

Respectfully submitted,

**Prepared by:
Dr. Cindy Olvey
Executive Director**

**Cheryl Karp, Ph.D.
Secretary**